

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CASE NO. 5:03-cr-00051-RLV-DCK-2**

**THIS MATTER IS BEFORE THE COURT** on Rico Fair's Motion to Vacate Supervised Release. (Doc. 212). On June 16, 2017, this Court issued Fair a show cause order, giving Fair until July 17, 2017 to provide evidence in support of his Motion to Vacate Supervised Release. (Doc. 213). Subsequent to issuing the show cause order, this Court received a request to transfer jurisdiction over Fair's supervision to the Southern District of New York. (*See* Doc. 216 (signed by this Court on June 19, 2017)). Fair complied with this Court's show cause order, hand delivering his response on July 17, 2017. (Doc. 215). During the period of time in which the Government had to respond to Fair's response to the show cause order, Fair's request to transfer jurisdiction over his supervision was approved and his supervision was formally transferred to the Southern District of New York. (Doc. 216); *see also* 18 U.S.C. § 3605. As a result of the transfer, this Court no longer has jurisdiction over Fair's supervision. Accordingly, while this Court finds Fair's gainful employment subsequent to his release from custody and his compliance with his terms of supervised release commendable (*see* Docs. 212, 215, 217-1 at 1), this Court no longer possesses the authority to entertain Fair's Motion to Vacate Supervised Release. Therefore, Fair's Motion to Vacate Supervised Release (Doc. 212) is **DENIED WITHOUT PREJUDICE** for want

of jurisdiction.<sup>1</sup>

**SO ORDERED.**

Signed: August 1, 2017



Richard L. Voorhees  
United States District Judge



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<sup>1</sup> Upon establishing a permanent residency, maintaining employment, and developing community ties in New York, Fair is free to file a new motion to vacate supervised release in the United States District Court for the Southern District of New York.